



Arizona Peace Officer Standards and Training Board

2643 East University Drive Phoenix, Arizona 85034-6914 Phone (602) 223-2514 Fax (602) 244-0477

Minutes of Meeting July 19, 2017

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on July 19, 2017, at the Little America Hotel in Flagstaff, AZ.

Members Present:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman
Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Sergeant Chris Andreacola, Tucson Police Department
Sergeant Leo Aparicio, Pinal County Sheriff's Office
Sheriff Mark Dannels, Cochise County Sheriff's Office
Chief Byron Gwaltney, Pima County Sheriff's Department
Mr. Andrew LeFevre, Grand Canyon University
Colonel Frank Milstead, Arizona Department of Public Safety
Chief Alan Rodbell, Scottsdale Police Department
Director Charles Ryan, Arizona Department of Corrections

Members Absent:

Chief Lawrence Hall, Buckeye Police Department

Staff in Attendance:

Jack G. Lane, Executive Director
Ted Brandon, Compliance Specialist
Billy Caldwell, Compliance Specialist
Dan Ciernia, Video Production Supervisor
Steve Enteman, Training Supervisor
Steve Jacobs, Compliance Specialist
Mark Perkovich, Program Administrator
Sandy Sierra, Administrative Services Officer
Lori Wait, Compliance Specialist
Dale Wyman, Video Production Specialist
Don Yennie, Program Administrator

Assistant Attorneys General:

Michael Saltz
Seth Hargraves

A. Call to Order

Chairman Mascher called the meeting to order at 10:00 a.m. and asked Chief Black from the Prescott Police Department to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Jack G. Lane, Executive Director

- New Board member Byron Gwaltney was introduced. Byron is a 30-year veteran of the Pima County Sheriff’s Department and serves as the Commander of the Corrections and Operations Bureau. He serves on the Board as the administrator of a county correctional facility.
- A plaque was presented to two former Board members for their years of service on the Board. Judge Jeffrey Coker served on the Board from October 2012 until January 2017; Professor Cornel Stemley served on the Board from October 2012 until September 2016. Both did an exemplary job and will be greatly missed.

C. Consent Agenda

Colonel Milstead made a motion to accept the Consent Agenda. The motion was seconded by Sheriff Dannels. The motion passed unanimously.

1. Minutes of the Board meeting held on May 17, 2017, were approved as written.
Minutes of the Board meeting held on June 21, 2017, were approved as written.

2. Ministerial Actions:

a. Certification Waivers:

Kelly D. Bryant	AZ Department of Transportation - ECD
Stuart J. Bedics	Arizona State University Police Department
Christopher R. Angus	Lake Havasu City Police Department
James E. Rich Jr.	Maricopa County Constable - Central Phx JP
Roger K. Brown	Chino Valley Police Department
Matthew E. Pitcher	Goodyear Police Department
Jason B. Palmer	University of AZ Police Department

3. Income and Expense Statement – May 2017

Funds as of May 1, 2017	\$1,308,317.15
CJEF Revenue (May 2017)	551,829.22
Misc. Revenue (May 2017)	116.26
Expenditures for May 2017	(538,314.64)
Balance as of May 31, 2017	\$1,321,947.99

D. Executive Director’s Report

Jack G. Lane, Executive Director

- A determination was made to continue to reimburse the academies \$750 for each cadet that graduates.
- The City of Phoenix canceled the Intergovernmental Agreement (IGA) with ALEA effective July 1, 2017. Phoenix PD will run its own regional academy at the facility. Further discussions will be held with the other academies and will also be discussed at the ALEA Users Meeting tomorrow.

E. Legislative Update

Jack G. Lane, Executive Director

There is nothing new to report.

F. Summary of Current Events

Jack G. Lane, Executive Director

There is nothing new to report.

G. Review, Discussion and Possible Action on a Petition from the Graham County Sheriff’s Office for a Determination that Applicant Justin T. Mills’ Drug Usage was Experimental

The Graham County Sheriff’s Office petitioned the Board to determine that the drug usage by applicant Justin T. Mills was experimental. The petition was presented by Assistant Attorney Michael Saltz.

Sergeant Aparicio made a motion to grant the petition for a determination that the pre-employment steroid use by applicant Justin T. Mills was experimental. The motion was seconded by Sergeant Andreacola and passed unanimously.

H. Reports – Department of Corrections

Director Charles Ryan

- Since the last regular meeting of May 2017, 88 cadets have graduated from COTA. There are currently four classes in session with 140 cadets in attendance. There are 808 vacancies statewide. Fifteen cadets have graduated through county and tribal detention IGAs. COTA continues to offer its facility to other agencies. Two applicants participated in the waiver process; for a savings of over \$13,430 to the agency.
- DOC has 2500 minimum security inmates available statewide to be used as skilled labor. Various programs utilize skilled labor inmates to assist with numerous projects. Inmate labor is paid at \$0.25 - \$2.00 per hour; which is significant savings for an agency. Inmate labor is an inexpensive resource.
- DOC provides 12 inmate wildland fire crews; and one female crew to assist with forest fires throughout the state.
- Started FY 17 with 42,902 inmates and ended the fiscal year with a population of 42,200. The population decline of 702 is the greatest decline since 1974. There are no prison beds under construction or authorized for the near future and zero growth is projected for next year.

In-Service Training

Program Administrator Don Yennie

- ALP #21 graduated on June 15, 2017.
- Several SME groups have been meeting to develop curriculum.
- Currently working on updating several lesson plans; which are several years old.
- Working on improving the Police Supervision course.
- AZ POST began the process more than one year ago for Narcan training; this was prior to the governor's order.
- The Digital Media Unit continues to provide excellent training videos available through our Sharefile system. Naloxone for Police Dogs was recently added to the portal.
- Working with ACJC on the Arizona Youth Survey which deals with substance abuse and gang involvement.

Basic Training Academies

- ALEA – Commander Louie Tovar thanked all users for providing staff throughout the years. This will be his last report for ALEA since they will be transitioning to the Phoenix Regional Training Academy. Class #500 recently graduated with 37 DPS troopers; this was a DPS only class. They currently have 5 classes in session with 190 recruits.
- Chandler-Gilbert Community College – Director Jon Terpay reported Class #17 graduated in February with 8 recruits. Class #18 will graduate in September and they currently have 5 recruits in this class. Class #19 began July 11 with 13 recruits. Class #20 will begin in the spring of 2018.
- WALETA – Chief Robert DeVries reported Class #20 graduated in June with 13 recruits. Class #21 will begin August 7 and they currently have 30 reservations for this class. Class #11 of the Dispatcher's Academy recently graduated 10 dispatchers. Class #12 is currently in session and will graduate August 4. Recently signed an IGA with State Parks for a ten year lease renewal.
- NARTA – Chief Bryan Jarrell reported Class #42 recently graduated with 30 recruits. A new class will begin on July 31. The Virtra simulator is up and running.
- SALETC – Chief Christopher Magnus reported Carla Johnson will be moving to Investigation and a new captain is at SALETC. The Virtra simulator is in use. Class #17-2 will graduate August 3 and currently has 31 recruits.
- Pima Community College – Commander Tim Lane reported Class #7 recently graduated with 10 recruits; all open enrollees. Class #7 will begin September 6 with a graduation date of May 16, 2018.

I. Final Action Cases:

1. #16-181 – Christopher A. Bender – San Carlos Tribal Police Department
The Board considered comments from Assistant Attorney General Michael Saltz. Sheriff Dannels made a motion to accept the Consent Agreement, Decision and Order for a 6-month suspension of Mr. Bender's peace officer certification. This suspension shall be in effect from October 1, 2016 until April 1, 2017. The motion was seconded by Sergeant Andreacola and passed unanimously.
2. #17-091 – Alfredo Campa – San Luis Police Department
The Board considered comments from Assistant Attorney General Michael Saltz. Sergeant Andreacola made a motion to accept the Consent Agreement, Decision and Order for the voluntary relinquishment of Mr. Campa's peace officer certification. The motion was seconded by Mr. LeFevre and passed unanimously.
3. #17-049 – Jonathan R. Clements – Globe Police Department
The Board considered comments from Assistant Attorney General Michael Saltz. Chief Rodbell made a motion to accept the Consent Agreement, Decision and Order for a 6-month suspension of Mr. Clement's peace officer certification. This suspension shall be in effect from March 29, 2017 until September 29, 2017. The motion was seconded by Sergeant Aparicio. The motion passed 8-1. Board member Colonel Milstead voted against the motion.
4. #15-012 – Kelsey C. Fortnam – Mesa Police Department
Colonel Milstead recused himself from this case. The Board considered comments from Assistant Attorney General Michael Saltz. Mr. Ahler (AAG) made a motion to accept the Consent Agreement, Decision and Order for the voluntary relinquishment of Ms. Fortnam's peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.
5. #17-007 – Stacey P. Huff – La Paz County Sheriff's Office
The Board considered comments from Assistant Attorney General Michael Saltz. Sergeant Andreacola made a motion to accept the Consent Agreement, Decision and Order for the voluntary relinquishment of Ms. Huff's peace officer certification. The motion was seconded by Mr. LeFevre and passed unanimously.
6. #17-070 – Salvador Panuco – Tonto Apache Tribal Police Department
The Board considered comments from Assistant Attorney General Michael Saltz. Colonel Milstead made a motion to accept the Consent Agreement, Decision and Order for the voluntary relinquishment of Mr. Panuco's peace officer certification. The motion was seconded by Sergeant Andreacola and passed unanimously.

7. #17-025 – Edward W. Tucker – AZ Department of Public Safety
Colonel Milstead recused himself from this case. The Board considered comments from Assistant Attorney General Michael Saltz. Sergeant Aparicio made a motion to accept the Consent Agreement, Decision and Order for the voluntary relinquishment of Mr. Tucker's peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
8. #15-137 – Kyle D. Davidson – AZ Department of Transportation - ECD
The Board considered comments from Assistant Attorney General Michael Saltz. Colonel Milstead made a motion to revoke Mr. Davidson's peace officer certification. The motion was seconded by Sergeant Andreacola and passed unanimously.
9. #15-179 – Richard R. Tucker – Phoenix Police Department
Sergeant Aparicio recused himself from this case. The Board considered comments from Assistant Attorney General Michael Saltz. Sheriff Dannels made a motion to revoke Mr. Tucker's peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.

The following two cases (16-056 and 16-057) were taken out of order:

10. #16-056 – Jason J. Drogsvold – Cochise County Sheriff's Office
Sheriff Dannels recused himself from this case. The Board considered comments from Assistant Attorney General Michael Saltz. Sergeant Andreacola made a motion to accept the Consent Agreement, Decision and Order for voluntary denial of peace officer certification by Mr. Drogsvold. The motion was seconded by Sergeant Aparicio and passed unanimously.
11. #16-057 – Julie D. Drogsvold – Cochise County Sheriff's Office
Sheriff Dannels recused himself from this case. The Board considered comments from Assistant Attorney General Michael Saltz. Sergeant Andreacola made a motion to accept the Consent Agreement, Decision and Order for voluntary denial of peace officer certification by Ms. Drogsvold. The motion was seconded by Sergeant Aparicio and passed unanimously.
12. #17-001 – Jorge Aguilar – Surprise Police Department
The Board considered comments from Compliance Manager Mark Perkovich. Sheriff Dannels made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification to Mr. Aguilar. The motion was seconded by Chief Rodbell and passed unanimously.
13. #16-166 – Jacob D. Brinkley – Greenlee County Sheriff's Office
The Board considered comments from Compliance Manager Mark Perkovich. Sergeant Andreacola made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Brinkley's peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.

14. #16-124 – Joel A. Christensen – Pima County Sheriff’s Office
Chief Gwaltney recused himself from this case. The Board considered comments from Compliance Manager Mark Perkovich. Chief Rodbell made a motion to accept the Findings of Fact and Conclusions of Law and take no action with agency discretion. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.

J. New Charging Cases:

1. #15-153 – Jaime B. Guerrero – AZ Department of Public Safety
Colonel Milstead recused himself from this case. The Board considered comments from Compliance Specialist Ted Brandon. Chief Rodbell made a motion to **Initiate Proceedings** against Mr. Guerrero’s peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
2. #17-065 – Joel L. Bartlett – Phoenix Police Department
The Board considered comments from Compliance Specialist Steve Jacobs. Sergeant Andreacola made a motion to **Initiate Proceedings** against Mr. Bartlett’s peace officer certification. The motion was seconded by Sheriff Dannels and passed unanimously.
3. #17-032 – Leroy F. Potter – Phoenix Police Department
The Board considered comments from Compliance Specialist Steve Jacobs. Sergeant Aparicio made a motion to this case with **No Action**. The motion failed due to lack of a second. Sheriff Dannels made a motion to **Resolve in Future**. The motion was seconded by Colonel Milstead and passed unanimously.
4. #15-150 – Alan R. Blume – Scottsdale Police Department
Chief Rodbell recused himself from this case. The Board considered comments from Compliance Specialist Lori Wait. Sheriff Dannels made a motion to **Initiate Proceedings** and to include violation of AZ POST Rule R13-409(A)(8) and (9). The motion was seconded by Colonel Milstead and passed unanimously.
5. #15-164 – Oscar R. Ortega – Douglas Police Department
Sheriff Dannels recused himself from this case. The Board considered comments from Compliance Specialist Lori Wait. Chief Rodbell made a motion to **Initiate Proceedings** against Mr. Ortega’s peace officer certification. The motion was seconded by Director Ryan and passed unanimously.

6. 17-046 – Walker S. Morgan – Pinal County Sheriff’s Office
Sergeant Aparicio recused himself from this case. The Board considered comments from Assistant Attorney General Seth Hargraves. The Board voted to initiate proceedings against Mr. Morgan’s peace officer certification on May 17, 2017. The case overview has since been amended and the Board must take action once again. Chief Rodbell made a motion to accept the Motion for Reconsideration and rescind allegation #2, and the related potential rule, R13-4-109(A)(7). The motion was seconded by Sheriff Dannels and passed unanimously. Chief Rodbell then made a motion to once again ***Initiate Proceedings*** against Mr. Morgan’s peace officer certification. The motion was seconded by Sheriff Dannels and passed unanimously.

K. Call to the Public

No one wished to address the Board during the call to the public.

L. Future Agenda Items

Executive Director Lane stated the ALEA and academy discussion will be placed on a future agenda.

M. Adjournment

The meeting was adjourned at 3:18 p.m.